

RESOLUTION NO. 74648

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
EXECUTE WASTE REDUCTION AND RECYCLING
COOPERATION AGREEMENTS OR AMENDMENTS TO AN
EXISTING WASTE REDUCTION AND RECYCLING
COOPERATION AGREEMENT WITH ELIGIBLE PUBLIC SCHOOL
DISTRICTS, SAN JOSÉ/EVERGREEN COMMUNITY COLLEGE
DISTRICT, AND SAN JOSÉ STATE UNIVERSITY**

WHEREAS, the City of San José ("City") and local public school districts, San José/Evergreen Community College District and San José State University desire to enter into agreements to promote waste diversion at schools and other facilities of the school districts and the University that are located in San José; and

WHEREAS, as part of the agreements, the City will reimburse the school districts and the University for that portion of the costs for solid waste handling services that are attributable to the franchise fees paid to the City by the school districts and the University's solid waste services providers;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

- A. The City Manager, or the City Manager's designee, is hereby authorized to negotiate and execute Waste Reduction and Recycling Cooperation Agreement or amendments to an existing Waste Reduction and Recycling Cooperation Agreement with public school districts meeting the program guidelines, San José/Evergreen Community College District and San José State University (the "Districts") for an initial term from July 1, 2007, to June 30, 2009, and containing at least the following terms:
1. The District will adopt a waste diversion policy that applies to each of the District's schools and other facilities that are located in San José, and will provide a copy of the policy to City; this policy will prioritize waste diversion activities and establish waste diversion goals for each District's schools and other facilities located in San José.
 2. The District will subscribe to solid waste collection services with an entity that has a valid Commercial Solid Waste and Recyclables Collection Franchise granted by the City; the District will provide City a list of District's schools and other facilities located in San José and the solid waste and recyclables collection services provided to each school and each other facility and will notify the City of any changes in solid waste or recycling service levels provided to such schools and facilities.

3. The District will encourage its schools in San José to participate, as appropriate, in City's Go Green Schools Program to promote environmental stewardship and awareness within the school community.
 4. The City will provide technical assistance to the District with respect to solid waste management practices.
 5. The City will reimburse the District for that portion of the District's costs for solid waste handling services, accrued prior to November 1, 2008, that are attributable to the franchise fees paid to the City by the District's solid waste services provider. The District will submit to the City information necessary for City to verify the reimbursement due to the District.
 6. After November 1, 2008 and upon request by the City, the District will submit to the City information necessary for City to verify that the franchise fees not remitted by the District's solid waste service provider is proportional to the solid waste collection service received by the District.
- B. The Director of Environmental Services is authorized to exercise up to three options for one-year extensions of the term of the Waste Reduction and Recycling Cooperation Agreement.
- C. This Resolution supersedes Resolution No. 73878 and Resolution No. 73969.

ADOPTED this 28th day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk